

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re: CASE NO. 9:08-bk-04360-MGW
ULRICH FELIX ANTON ENGLER, CHAPTER 7
PRIVATE COMMERCIAL OFFICE, INC., (Substantively Consolidated)
and PCO CLIENT MANAGEMENT, INC.,

Debtors.

ORDER GRANTING TRUSTEE’S MOTION TO ESTABLISH CLAIM OBJECTION PROCEDURES AND TO AUTHORIZE FILING OF OMNIBUS CLAIM OBJECTIONS ON CERTAIN ADDITIONAL GROUNDS [Doc. 1017]

THIS MATTER came before the Court without a hearing on the *Motion To Establish Claim Objection Procedures And To Authorize Filing Of Omnibus Claim Objections On Certain Additional Grounds* [Doc. 1017] (the “Motion to Establish Claim Objection Procedures”) filed by ROBERT E. TARDIF, JR. (the “Trustee”), as Chapter 7 Trustee of the substantively consolidated bankruptcy estates of ULRICH FELIX ANTON ENGLER, PRIVATE COMMERCIAL OFFICE, INC., and PCO CLIENT MANAGEMENT, INC. (“Engler,” “PCO,” and “PCOM,” respectively, or collectively the “Debtors”).

The Court, being familiar with the record of this bankruptcy case, having reviewed the Motion to Establish Claim Objection Procedures, and being otherwise duly advised in the premises, does hereby

ORDER as follows:

1. The Motion to Establish Claim Objection Procedures is GRANTED as set forth herein.
2. Trustee’s special counsel is authorized to prepare and/or argue objections to proofs of claims filed in this case.

3. The Trustee is authorized to obtain from the Clerk of this Court, and the Clerk of this Court is authorized to release to the Trustee, the back-up support for Swiss Confederation Claim Numbers 1019 in the Engler case (Case No. 9:08-bk-04360-MGW) and Claim Number 210 in the PCO case (Case No. 9:08-bk-04365-MGW), believed to consist of five (5) binders and a CD-ROM (the "Back-Up Support"). The Trustee and his forensic accountant shall maintain and preserve the Back-Up Support in the same character, form, content, order, and manner it was in at the time of its release by the Clerk of this Court to the Trustee.

4. The Trustee is authorized to serve objections to proofs of claim filed in the above-captioned case via first class mail directly upon counsel for currently represented claimants or directly upon claimants who are currently unrepresented and for whom addresses are available. The Trustee shall also post objections to proofs of claim on the website EnglerBk.com pursuant to the Order Granting Trustee's Motion To Establish Certain Notice, Case Management And Administrative Procedures (Doc. 451).

5. The Trustee is authorized to modify the negative notice legend on objections to proofs of claim to provide that responses to the objections must be filed within 90 days.

6. The Trustee is authorized to file omnibus objections seeking the reduction, reclassification and/or disallowance of proofs of claim filed in this case on one or more of the following grounds (collectively, the "Additional Omnibus Grounds"):

- a. the amount of the claim is inconsistent with the Debtors' books and records, including, but not limited to, the Debtors' bank statements and records;
- b. the claim was incorrectly classified;
- c. the claim seeks recovery of amounts for which the Debtors are not liable;

- d. the claim fails to specify the asserted amount of the claim;
- e. the claim does not include sufficient documentation to ascertain the validity of the claim;
- f. the claim exceeds the claimant's principal investment with the Debtors;
- g. the claim exceeds the claimant's principal investment, less interest previously received by such claimant;
- h. the Debtors' disbursements to a claimant exceed the claimant's deposits with the Debtors;
- i. the claim should otherwise be disallowed pursuant to the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or otherwise applicable law; and
- j. the claim is improperly filed as a secured claim.

7. The Trustee shall not include more than one hundred (100) claims in any single omnibus objection consistent with Bankruptcy Rule 3007(e)(6), must sort and file them alphabetically by claimant last name or company name, as applicable, and any order sustaining an objection to claim on the basis of one or more of the Additional Omnibus Grounds shall constitute a final order with respect to the claims referenced in such order as if an individual objection had been filed consistent with Bankruptcy Rule 3007(f).

DONE AND ORDERED at Tampa, Florida on July 25, 2014.



Michael G. Williamson
United States Bankruptcy Judge

Robert F. Elgidely, Esq. is directed to serve a copy of this Order on all creditors and/or interested parties in accordance with the Order Granting Trustee's Motion To Establish Certain Notice, Case Management And Administrative Procedures [Doc. 451], including those creditors and/or interested parties registered on the Court's CM/ECF System, and to file a proof of service within 3 days of entry of the order.